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# The Dutchess County Bar Association

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# THE ADVOCATE

Spring 2022



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Dutchess County Bar Association

P.O. Box 1837

Poughkeepsie, NY 12601

345-473-2488

[www.dutchesscountybar.org](http://www.dutchesscountybar.org)

## Upcoming Events

*An Evening with Unshattered*

Sponsored by  
Salisbury Bank & Trust

April 6, 2022  
5:30 p.m.  
1064 Rt.82, Hopewell  
Junction, NY



\$30 per person includes light refreshments and design consultation. The purchase of a bag is at the attendees expense.

The custom designers at Unshattered will help attendees design the perfect bag for them at this special event!  
Due to the nature of the event, space is limited.  
RSVP soon to be sure you can join us!

*Law Day Luncheon*  
*May 19, 2022*



*Locust Grove*  
*Poughkeepsie, NY*  
*Invitation to Follow*

### **Upcoming CLE:**

**CPLR Update, Guardian Ad Litem,  
Appellate Review and more..**

**visit our website for more information**

For more information or to register for any of these events, please visit our website,  
[www.dutchesscountybar.org](http://www.dutchesscountybar.org)

# President's Message

When the Advocate last published on September 29, 2021, we were hopeful that in-person lunches, meetings, and CLE's would return in the ensuing months. Unfortunately, Omicron had other plans for us. A lunch honoring Peter McGinnis, Al Roberts and Jennifer VanTuyl, all of whom have been admitted for fifty years, had to be switched to virtual, as it was taking place while Omicron wave was near its peak. Fingers-crossed, we are on the downhill side of the wave, and we are planning our first in person luncheon in two years for May 19, 2022. More details about this event can be found in this issue.



In the meantime, there are a couple of noteworthy updates of which you should be aware. First, the Bar Association is now offering a CLE pass that will allow members to take part in all virtual CLE's for a single payment of \$500 per year. The pass will allow you to fulfill your CLE obligation for one price and will also have the added bonus of credit tracking. Our database will keep track of your credits to be sure that you have fulfilled all requirements before your registration date. The a la carte option will remain available for those who only wish to take part in certain courses.

Additionally, you will see a modest increase in the dues amount for next year (either \$10 or \$20 depending on your level of membership). We have always worked to keep our dues among the lowest in New York, without compromising the benefits we offer our members. This is the first time in seven years dues have increased. The Bar Association is a Not-for-Profit entity without significant cash reserves. We charge only the amount necessary to continue offering services to our members, such as the attorney referral service, organizing CLE's, and organizing volunteer opportunities such as the high school mock trial program.

Thank you for your continued support, and we hope to see you on May 19.

*Daniel*

# Amee VanTassell Young Lawyer Award

Amee C. VanTassell was a gifted, young lawyer who started her career in 2006 as an associate with the Poughkeepsie, New York firm of VanDewater & VanDeWater. On November 29, 2010, she realized her professional goal of serving as a principal court attorney when she began working for the Hon. James D. Pagones, Surrogate and Acting Justice of the Supreme Court. Whether practicing law or serving as a law clerk, Amee was recognized by our legal community for her integrity, good judgment, sense of humor, communication, research, analytical and writing skills. Sadly, Amee passed away unexpectedly at the age of 36 on April 1, 2013, four days following the birth of her first child, a daughter, Rowen Emily VanTassell. The purpose of the award created in her name is not only to perpetuate her memory, but to inspire our young lawyers to emulate those qualities manifested in Amee's character. Nominees character should encompass a balance of the following criteria: Admitted 10 years or less, member of the Dutchess County Bar Association, peer recognition of civility and professionalism, service to the Bar and the community, as well as a commitment to Pro Bono service. The award will be presented at the May 19, 2022 DCBA Luncheon. **If you wish to nominate someone, please complete the form below and return to the DCBA Office, along with two letters of support (one letter may be from the nominator) and the resume of the nominee, by April 8, 2022**

Nominee:\_\_\_\_\_

Address:\_\_\_\_\_

Phone:\_\_\_\_\_ Email:\_\_\_\_\_

Date of Admission to the Bar:\_\_\_\_\_

Bar Association Memberships;\_\_\_\_\_

Outstanding Contributions to the Bar:\_\_\_\_\_

Outstanding Community Activities:\_\_\_\_\_

Pro Bono Commitments:\_\_\_\_\_

Submitted By:\_\_\_\_\_ Phone:\_\_\_\_\_

Email:\_\_\_\_\_

# Gartland Award for Community Service

John J. Gartland, Jr. has been widely recognized as one of Dutchess County's most influential community leaders of the 20th century. His commitment to serving the community leaves a legacy that continues to provide opportunities for Dutchess County residents, even after his death. The Dutchess County Bar Association presents the Jack Gartland Award for Community Service annually to a member whose dedication to making their community a better place exemplifies the legacy of Jack Gartland. Since 2008, the award has been presented to Senator Jay Rolison (posthumously), Marty Rutberg, Robert Ostertag, Hon. Elizabeth Shequine, J. Joseph McGowan, Bernard Kessler, Esq., Senator Stephen Saland, Jeff Feldman, Hon. Christine Sproat, Fred Schaeffer, Robert Dietz and Hon. Jonah Triebwasser. Nominees for this award should: be a member of the Dutchess County Bar Association and have a strong commitment to community service. The award will be presented at the 2022 Law Day Luncheon on May 19, 2022. If you wish to nominate someone, please complete the form below and return to the DCBA Office, along with a letter of support by April 8, 2022.

Nominee: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Date of Admission to the Bar: \_\_\_\_\_  
Bar Association Memberships: \_\_\_\_\_  
\_\_\_\_\_

Outstanding Community Activities: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Submitted By: \_\_\_\_\_ Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

# From Bench & Bar

## From Dutchess County Surrogate's Court

Effective immediately, Dutchess County Surrogate's Court can accept NYCEF filings for Article 17 and 17A Guardianships and all related proceedings/documentation (ex: Accountings).

From Hon. Anne Minihan,  
Administrative Judge, 9th JD

Throughout the entire COVID-19 pandemic, our Courts have remained open. We thank everyone for their flexibility, adaptability and professionalism during these extremely difficult times. As we return to normalcy it is important to revise the operating Protocols and Procedures. In-Person proceedings are both required and warranted. Virtual proceedings are only appropriate in approved circumstances. The Court system remains nimble and ready to quickly adapt operations as conditions unfold. The Administrative Judges may, based upon local conditions and circumstances, modify the Operational Protocols where appropriate.

The updated plan supersedes all previous Operating Protocols and is effective for all proceedings, including Town and Village Courts, on February 25, 2022. To the extent the provisions of this Updated Operating Protocol are inconsistent with provisions in any previously issued memoranda or Administrative Orders, the provisions of this Protocol should be relied upon to guide operations.

The complete plan can be viewed on our website,  
[www.dutchesscountybar.org](http://www.dutchesscountybar.org).

### Mock Trial Judges Needed!

Volunteers are still needed to preside over Mock Trial competitions on the following dates:

March 21st at 3:30, 3:45 or 4:00 pm  
(3 volunteers needed)

March 28th at 3:30 or 3:45  
(2 volunteers needed)

April 4th at 4:00  
(1 volunteer needed)

If you can preside over one of these trials, please email [janna@dutchesscountybar.org](mailto:janna@dutchesscountybar.org).

## Job Listings

### Associate Position

If you are interested in being a top-notch matrimonial attorney in a practice that is well-honed, has a supportive team atmosphere and is committed to providing excellent services to clients, consider applying to work with us. Lazar Schwartz & Jones LLP (formerly Lazar & Schwartz) is a well-established Family Law firm, providing divorce, custody and support litigation, divorce collaboration and divorce mediation services throughout the Hudson Valley. We are looking to hire a new attorney to work in Family Court, Supreme Court and on other family related matters. The position includes handling a full caseload with significant client contact, the ability to work independently, and the ability to integrate into a cooperative and supportive team culture.

#### Qualifications:

JD from an accredited law school

New York State admission

Ideally 5+ years of experience, including Family Court and Matrimonial experience

Superior communication, writing, organizational and research skills

Value driven work ethic and

Ability to work both independently and in a team culture .

First year starting salary range \$70,000-\$100,000.00 depending on experience, with growth potential including substantial increase for excellent work and benefits package including a 401k, health insurance, and more. Please submit a cover letter, writing sample and resume to [familylawlsj@gmail.com](mailto:familylawlsj@gmail.com) in response to this ad.

### Associate Position

Law Office of Rachel Flanagan Frost, P.C.  
I am currently seeking to hire an Attorney to join my Wills, Trusts & Estates practice. Part time or Full time position available. Call or email Rachel F. Frost for details.  
21 Old Main Street, Suite 200B  
Fishkill, NY 12524  
Tel: 845-896-0835  
E-mail: [RachelFrostLaw@gmail.com](mailto:RachelFrostLaw@gmail.com)

# Ostertag O'Leary Barrett & Faulkner is pleased to announce that Maura Barrett is now doing divorce and family law mediation

301 Manchester Road, Suite 201  
Poughkeepsie, NY 12603

(845) 486-4300  
[www.rlodmo.com](http://www.rlodmo.com)



## FOR RENT



Highly visible, light filled office space in a charming renovated Village of Pawling building with plenty of on site parking (unusual in the Village), very easy access for your customers & clients. Known as the prettiest building in the Village. Currently used as a Law Office, this space is perfect for architects, accountants, designers etc. Wood floors, custom built front desk & a private office. There is a shared kitchenette & powder room on the second level. Landlord pays heat, NYSEG and plowing. Tenants responsible for their own internet. Monthly rent is \$995.00 plus 1 months security.

Contact Gillian Stewart, 845-656-4449, [gillian@gillianstewart.biz](mailto:gillian@gillianstewart.biz)





# Commercial Litigation in New York State Courts

by Daniel Stafford, Esq.

I was recently asked to utilize and review the Fifth Edition of Commercial Litigation in New York State Courts. The compilation is a well-established, comprehensive treatise and practice guide, utilized by many practitioners throughout New York State. Its editor in chief, Robert L. Haig, Esq., recently oversaw the publication of the new edition in 2020. Similar to its preceding editions, the Fifth Edition is a comprehensive practitioner's guide to litigating a commercial case, from the investigation and assessment process that takes place at the inception of a matter, through pleadings, discovery, motions practice, trial, appeal, and enforcement of judgments. The new edition has 28 new chapters (for example, artificial intelligence and third party litigation funding) in addition to traditional areas such as real property litigation and business torts.

While I have utilized this particular treatise in the past for a wide variety of topics, I decided to test drive the Fifth Edition in the context of a partition action involving the physical partition of real property (as opposed to the more common paths of liquidating the asset and dividing the proceeds), as well as a tricky judgment enforcement issue (the judgment debtor claimed to have extreme Wi-Fi sensitivity and rebuffed our efforts to conduct a supplementary proceeding deposition in accordance with the provisions of the CPLR that typically apply in a routine situation). In each case, the treatise provided a thorough and user-friendly guide. The partition action required use of certain forms that were not part of my database of templates that I typically employ. These forms were available within the treatise.

My time at law school took place as manual research was phasing out and digital research was becoming the norm. As a result, I have some degree of skepticism about the efficiency and effectiveness of utilizing hard copies of research materials on a regular basis. This skepticism does not extend to Mr. Haig's treatise. The index is organized in a clear and concise fashion, and leads the user to substantive materials without unnecessary page rifling.

It is difficult to imagine the herculean effort it must take to marshal hundreds of the State's foremost experts on essentially every aspect of commercial litigation. Mr. Haig has successfully achieved this objective. The Fifth Edition to Commercial Litigation in New York State Courts is a valuable resource to any practitioner in this area.



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As a small firm practitioner since 2005, take it from me, I have tried it all from different practice management software, billing programs, bookkeepers, credit card merchants, banks, assistants etc. Being a small firm attorney is not easy, especially if you don't want to rely on administrative staff. Like any business owner, my focus is on making sure that I can run my law practice efficiently and with the lowest expense possible and in a way that fits my life. I don't want to spend my time managing employees, dealing with administrative tasks, or being a slave tied to my desk, and have built my practice to minimize that unpleasantness.

Here are 5 key tips to think about when running your law practice to make sure that your practice doesn't run you:

<https://easysoft-usa.com/guides/5-practice-tips/>